

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF TENNESSEE  
3 GREENEVILLE

4 UNITED STATES OF AMERICA, . DOCKET NO. CR-2-13-15  
5 GOVERNMENT, .  
6 VS. . GREENEVILLE, TN  
7 LUCAS JORDAN CONERLY, . DECEMBER 9, 2013  
8 DEFENDANT. . 8:34 A.M.  
9 . . . . .

10  
11 TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS  
12 BEFORE THE HONORABLE J. RONNIE GREER  
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

15 FOR THE GOVERNMENT: U.S. DEPARTMENT OF JUSTICE  
16 OFFICE OF U.S. ATTORNEY  
17 HELEN C.T. SMITH, AUSA  
220 WEST DEPOT STREET, SUITE 423  
GREENEVILLE, TN 37743

18 FOR THE DEFENDANT: FEDERAL DEFENDER SERVICES OF  
19 EASTERN TENNESSEE, INC.  
20 NIKKI C. PIERCE, ESQ.  
219 WEST DEPOT STREET, SUITE 2  
GREENEVILLE, TN 37743

22 COURT REPORTER: KAREN J. BRADLEY  
23 RPR-RMR  
24 U.S. COURTHOUSE  
220 WEST DEPOT STREET  
GREENEVILLE, TN 37743

25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT  
PRODUCED BY COMPUTER.

1 (CALL TO ORDER OF THE COURT AT 8:34 A.M.)

2 THE COURT: GOOD MORNING.

3 MS. SMITH: GOOD MORNING, JUDGE.

4 THE COURT: ALL RIGHT. MS. HOPSON, WOULD YOU  
5 CALL THIS CASE, PLEASE.

6 THE CLERK: USA VERSUS LUCAS JORDAN CONERLY,  
7 CASE NUMBER CR-2-13-15.

8 (DEFENDANT SWORN)

9 EXAMINATION

10 BY THE COURT:

11 Q. ALL RIGHT, MR. CONERLY, I'M GOING TO ALLOW YOU TO  
12 REMAIN THERE AT THE TABLE, BUT -- THAT'S JUST ABOUT WHAT I  
13 WAS ASKING YOU TO DO, MS. PIERCE. IF YOU'LL SPEAK INTO  
14 THE MICROPHONE PLEASE, SO WE CAN ALL HEAR YOU --

15 A. OKAY.

16 Q. -- ALL RIGHT. ALL RIGHT. MR. CONERLY, YOU HAVE  
17 BEEN CHARGED IN A ONE COUNT INDICTMENT IN THIS CASE WITH A  
18 VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 2422,  
19 WHICH PROHIBITS THE USE OF A MEANS OF INTERSTATE COMMERCE  
20 TO KNOWINGLY PERSUADE, INDUCE, ENTICE OR COERCE ANY  
21 INDIVIDUAL UNDER THE AGE OF 18 TO ENGAGE IN ANY SEXUAL  
22 ACTIVITY FOR WHICH YOU COULD BE CHARGED WITH A CRIME UNDER  
23 STATE LAW. IT IS MY UNDERSTANDING THAT YOU HAVE ENTERED  
24 INTO A PLEA AGREEMENT WITH THE UNITED STATES IN THIS CASE  
25 AND THAT PURSUANT TO THAT PLEA AGREEMENT YOU WISH TO

1 CHANGE YOUR PLEA THIS MORNING TO A PLEA OF GUILTY AS TO  
2 THIS ONE COUNT INDICTMENT; IS THAT CORRECT?

3 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
4 HIS ATTORNEY)

5 A. YES, SIR.

6 Q. ALL RIGHT. BEFORE I CAN ACCEPT THAT GUILTY PLEA,  
7 THERE ARE SEVERAL QUESTIONS I NEED TO ASK YOU TO ASSURE  
8 THAT YOUR PLEA IS A VALID ONE. IF YOU DO NOT UNDERSTAND  
9 ANY QUESTION, PLEASE ASK ME TO EXPLAIN IT TO YOU, AND YOU  
10 MAY CONFER WITH YOUR ATTORNEY ON ANY QUESTION IF YOU FIND  
11 IT NECESSARY TO DO SO; DO YOU UNDERSTAND THAT?

12 A. YES, SIR.

13 Q. MR. CONERLY, DO YOU UNDERSTAND THAT YOU ARE NOW  
14 UNDER OATH AND THAT IF YOU ANSWER ANY OF MY QUESTIONS  
15 FALSELY, YOUR ANSWERS MAY BE USED AGAINST YOU IN ANOTHER  
16 CRIMINAL PROSECUTION FOR PERJURY OR FOR MAKING A FALSE  
17 STATEMENT? IN OTHER WORDS, IF YOU LIE TO ME HERE THIS  
18 MORNING, YOU CAN BE CHARGED WITH ANOTHER CRIMINAL OFFENSE;  
19 DO YOU UNDERSTAND THAT?

20 A. YES, SIR.

21 Q. HOW OLD ARE YOU?

22 A. THIRTY-ONE.

23 Q. WHAT EDUCATION DO YOU HAVE?

24 A. AN ASSOCIATE OF APPLIED SCIENCE IN MANUFACTURING.

25 Q. ALL RIGHT. NOW, I HAVE READ THE, BOTH THE

1 COMPETENCY AND THE SANITY EVALUATION REPORTS IN THIS CASE  
2 AND I'VE READ JUDGE INMAN'S REPORT. ARE YOU NOW CURRENTLY  
3 BEING TREATED FOR ANY KIND OF MENTAL ILLNESS?

4 A. YES, SIR, I AM.

5 Q. ALL RIGHT, AND WHAT TREATMENT ARE YOU RECEIVING?

6 A. I AM RECEIVING A 1 MILLIGRAM RISPERDAL PILL ONCE A  
7 DAY AND A 500 MILLIGRAM DEPAKOTE PILL ONCE A DAY.

8 Q. ALL RIGHT.

9 A. BOTH OF THE EVENING.

10 Q. ALL RIGHT. AND HAVE YOU BEEN RECEIVING THOSE ON THE  
11 SCHEDULE THAT YOU WERE SUPPOSED TO RECEIVE THEM?

12 A. YES, SIR.

13 Q. AND HAVE YOU TAKEN THEM AS PRESCRIBED?

14 A. YES, SIR, AS ALWAYS.

15 Q. ALL RIGHT. ARE YOU NOW BEING TREATED OR HAVE YOU  
16 RECENTLY BEEN TREATED FOR ANY KIND OF DRUG ADDICTION?

17 A. NO, SIR.

18 Q. IS THERE ANYTHING THIS MORNING ABOUT YOUR MENTAL OR  
19 PHYSICAL CONDITION WHICH WOULD MAKE IT DIFFICULT FOR YOU  
20 TO UNDERSTAND THESE PROCEEDINGS, TO THINK CLEARLY OR TO  
21 MAKE GOOD DECISIONS ABOUT YOUR CASE?

22 A. NO, I FEEL VERY COMPETENT.

23 Q. ALL RIGHT. HAVE YOU TAKEN ANY DRUGS, MEDICINE,  
24 PILLS OR ALCOHOLIC BEVERAGE OF ANY KIND IN THE LAST 24  
25 HOURS OTHER THAN THESE TWO MEDICATIONS YOU JUST TOLD ME

1 ABOUT?

2 A. NO, SIR.

3 Q. ARE YOU EXPERIENCING ANY SIDE EFFECTS AS THE RESULT  
4 OF TAKING THOSE MEDICATIONS WHICH WOULD INTERFERE IN ANY  
5 WAY WITH YOUR ABILITY TO UNDERSTAND THESE PROCEEDINGS OR  
6 TO THINK CLEARLY HERE TODAY?

7 A. NO, SIR.

8 Q. AND DO YOU IN FACT UNDERSTAND WHAT'S HAPPENING HERE  
9 THIS MORNING?

10 A. YES, SIR.

11 THE COURT: MS. PIERCE, DO YOU CONSIDER THE  
12 DEFENDANT COMPETENT TO ENTER A PLEA OF GUILTY HERE TODAY?

13 MS. PIERCE: I DO, YOUR HONOR.

14 BY THE COURT:

15 Q. NOW, MR. CONERLY, HAVE YOU RECEIVED A COPY OF THE  
16 INDICTMENT RETURNED BY THE GRAND JURY IN THIS CASE?

17 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
18 HIS ATTORNEY)

19 A. YES.

20 Q. HAVE YOU READ THE INDICTMENT?

21 A. YES, SIR.

22 Q. HAVE YOU HAD SUFFICIENT TIME TO DISCUSS THIS CASE  
23 WITH YOUR ATTORNEY?

24 A. YES, SIR.

25 Q. HAVE YOU TOLD YOUR LAWYER EVERYTHING YOU KNOW ABOUT

1 THIS CASE?

2 A. YES, SIR.

3 Q. DO YOU BELIEVE THAT YOUR LAWYER IS FULLY AWARE OF  
4 ALL THE FACTS UPON WHICH THIS CHARGE IS BASED?

5 A. YES, SIR.

6 Q. HAS YOUR LAWYER ADVISED YOU AS TO THE NATURE AND  
7 MEANING OF THE CHARGE AGAINST YOU?

8 A. YES, SIR.

9 Q. HAS YOUR LAWYER ADVISED YOU OR EXPLAINED TO YOU THE  
10 MEANING OF ALL WORDS USED IN THIS INDICTMENT ABOUT WHICH  
11 YOU HAD ANY QUESTION? IN OTHER WORDS, IF THERE WERE WORDS  
12 IN THIS INDICTMENT THAT YOU DID NOT FULLY UNDERSTAND, HAS  
13 MS. PIERCE EXPLAINED THOSE TO YOU?

14 A. YES, SIR.

15 Q. HAS YOUR ATTORNEY ADVISED YOU AS TO EACH AND EVERY  
16 ELEMENT OF THIS OFFENSE WHICH THE GOVERNMENT MUST PROVE  
17 BEYOND A REASONABLE DOUBT IN ORDER TO OBTAIN A CONVICTION  
18 AGAINST YOU IN THIS CASE?

19 A. YES, SIR.

20 Q. NOW, AS I INDICATED TO YOU, THE INDICTMENT RETURNED  
21 BY THE GRAND JURY IN THIS CASE IS A ONE COUNT INDICTMENT.  
22 THE INDICTMENT CHARGES A VIOLATION OF TITLE 18, UNITED  
23 STATES CODE, SECTION 2422(B). THAT STATUTE READS AS  
24 FOLLOWS, MR. CONERLY, "WHOEVER, USING THE MAIL OR ANY  
25 FACILITY OR MEANS OF INTERSTATE OR FOREIGN COMMERCE, OR

1     WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION  
2     OF THE UNITED STATES KNOWINGLY PERSUADES, INDUCES, ENTICES  
3     OR COERCES ANY INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF  
4     18 YEARS, TO ENGAGE IN ANY SEXUAL ACTIVITY FOR WHICH ANY  
5     PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE, OR ATTEMPTS  
6     TO DO SO, SHALL BE FINED UNDER THIS TITLE AND IMPRISONED  
7     FOR NOT LESS THAN 10 YEARS OR FOR LIFE." DO YOU  
8     UNDERSTAND THAT THAT'S WHAT THE STATUTE PROHIBITS?

9     A.     YES, SIR.

10    Q.     NOW, THE INDICTMENT IN THIS CASE, WHICH IS A ONE  
11    COUNT INDICTMENT, READS AS FOLLOWS:

12                     INTRODUCTION.

13                     AT ALL TIMES MATERIAL TO THIS INDICTMENT:

14                     1. DEFENDANT LUCAS JORDAN CONERLY OPERATED  
15    TELEPHONES FROM HIS RESIDENCE LOCATED AT 273 PINESPUR  
16    ROAD, BLOUNTVILLE, TENNESSEE AND AT OTHER LOCATIONS IN THE  
17    EASTERN DISTRICT OF TENNESSEE WITH TELEPHONE SERVICE  
18    PROVIDED BY CELLCO PARTNERSHIP DOING BUSINESS AS VERIZON  
19    WIRELESS.

20                     2. DEFENDANT LUCAS JORDAN CONERLY UTILIZED A  
21    PERSONAL COMMUNICATION SERVICE MADE AVAILABLE BY HIS  
22    TELEPHONE SERVICE PROVIDER, WHICH ALLOWED THE DEFENDANT TO  
23    COMMUNICATE WITH OTHER TELEPHONE USERS VIA THE WIRELESS  
24    TRANSMISSION OF SIGNALS, THROUGH THE USE OF ELECTRONIC  
25    MAIL MESSAGES, INSTANT MESSAGES, TEXT MESSAGES, AND VOICE

1 COMMUNICATIONS.

2 AND, 3. THE WIRELESS TELEPHONE COMMUNICATIONS  
3 SYSTEM IS A MEANS OF INTERSTATE COMMERCE.

4 COUNT ONE.

5 1. PARAGRAPHS 1 THROUGH 3 FROM THE PRECEDING  
6 INTRODUCTION ARE REALLEGED AND INCORPORATED AS FULLY SET  
7 FORTH HEREIN.

8 2. THE GRAND JURY CHARGES THAT FROM ON OR ABOUT  
9 NOVEMBER 1, 2012 TO ON OR ABOUT JANUARY 19, 2013, IN THE  
10 EASTERN DISTRICT OF TENNESSEE, LUCAS JORDAN CONERLY USED A  
11 FACILITY OR A MEANS OF INTERSTATE COMMERCE TO KNOWINGLY  
12 PERSUADE, INDUCE, ENTICE, OR COERCE AN INDIVIDUAL WHO HAS  
13 NOT ATTAINED THE AGE OF 18 TO ENGAGE IN SEXUAL ACTIVITY  
14 FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL  
15 OFFENSE, OR ATTEMPTED TO KNOWINGLY PERSUADE, INDUCE,  
16 ENTICE, OR COERCE AN INDIVIDUAL WHO HAS NOT ATTAINED THE  
17 AGE OF 18 TO ENGAGE IN SEXUAL ACTIVITY FOR WHICH ANY  
18 PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE IN VIOLATION  
19 OF TITLE 18, UNITED STATES CODE, SECTION 2422(B).

20 DO YOU UNDERSTAND THAT THAT'S WHAT YOU'RE  
21 CHARGED WITH IN THIS INDICTMENT?

22 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
23 HIS ATTORNEY)

24 A. YES, SIR.

25 Q. NOW, MR. CONERLY, BEFORE YOU COULD BE CONVICTED OF



1 THAT OFFENSE THERE ARE CERTAIN THINGS THE UNITED STATES  
2 WOULD HAVE TO PROVE AT A TRIAL. THERE ARE CERTAIN  
3 ELEMENTS OF THE OFFENSE, IN OTHER WORDS, THAT THE  
4 GOVERNMENT WOULD BE REQUIRED TO PROVE AT TRIAL BEYOND A  
5 REASONABLE DOUBT. DO YOU UNDERSTAND THAT BEFORE YOU COULD  
6 BE CONVICTED OF THIS OFFENSE THE UNITED STATES WOULD BE  
7 REQUIRED TO PROVE EACH OF THE FOLLOWING ELEMENTS BEYOND A  
8 REASONABLE DOUBT: FIRST, THAT YOU KNOWINGLY USED A MEANS  
9 OF INTERSTATE COMMERCE, THAT IS CELLULAR TELEPHONES AND  
10 INTERNET-BASED SOCIAL MEDIA, TO PERSUADE, INDUCE, ENTICE,  
11 OR COERCE OR TO ATTEMPT TO PERSUADE, INDUCE, ENTICE, OR  
12 COERCE AN INDIVIDUAL UNDER THE AGE OF 18 TO ENGAGE IN  
13 SEXUAL ACTIVITY AS CHARGED IN THE INDICTMENT; SECOND, THAT  
14 YOU BELIEVED THAT SUCH INDIVIDUAL WAS LESS THAN 18 YEARS  
15 OF AGE; THIRD, THAT IF THE SEXUAL ACTIVITY HAD OCCURRED,  
16 YOU COULD HAVE BEEN CHARGED WITH A CRIMINAL OFFENSE UNDER  
17 THE LAW OF TENNESSEE; AND, FOURTH, THAT YOU ACTED KNOW-  
18 INGLY AND WILLFULLY. DO YOU UNDERSTAND THE GOVERNMENT  
19 WOULD HAVE TO PROVE ALL THOSE THINGS BEYOND A REASONABLE  
20 DOUBT BEFORE YOU COULD BE CONVICTED OF THIS OFFENSE?

21 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
22 HIS ATTORNEY)

23 A. YES, SIR.

24 THE COURT: MS. PIERCE, HAVE YOU DISCUSSED ANY  
25 POSSIBLE DEFENSES THAT MIGHT BE AVAILABLE FOR THIS CHARGE

1 WITH MR. CONERLY?

2 MS. PIERCE: I HAVE, YOUR HONOR.

3 BY THE COURT:

4 Q. IS THAT CORRECT, MR. CONERLY?

5 A. YES, SIR.

6 Q. NOW, MR. CONERLY, I UNDERSTAND THERE IS A PLEA  
7 AGREEMENT IN THIS CASE. IT'S NOW BEEN FILED WITH THE  
8 COURT. HAVE YOU READ THIS PLEA AGREEMENT?

9 A. UNFORTUNATELY, SIR, YES.

10 Q. AND HAS YOUR ATTORNEY EXPLAINED TO YOU ALL THE TERMS  
11 AND CONDITIONS OF THE PLEA AGREEMENT YOU'VE MADE WITH THE  
12 UNITED STATES?

13 A. YES.

14 Q. DO YOU FULLY UNDERSTAND ALL THE TERMS AND CONDITIONS  
15 OF THIS AGREEMENT YOU'VE MADE WITH THE GOVERNMENT?

16 A. YES, SIR.

17 Q. AND IS THIS YOUR SIGNATURE ON THIS PLEA AGREEMENT  
18 THAT'S BEEN FILED WITH THE COURT?

19 A. YES, IT IS, SIR.

20 Q. ARE YOU SATISFIED WITH YOUR LAWYER'S REPRESENTATION  
21 OF YOU IN THIS CASE?

22 A. YES, SIR.

23 THE COURT: MS. PIERCE, ARE YOU SATISFIED THAT  
24 MR. CONERLY UNDERSTANDS THIS CHARGE, THE ELEMENTS OF THE  
25 OFFENSE CHARGED AND THE LEGAL MEANING OF ALL WORDS USED IN

1 THE INDICTMENT?

2 MS. PIERCE: YES, YOUR HONOR.

3 BY THE COURT:

4 Q. NOW, MR. CONERLY, BY ENTERING A PLEA OF GUILTY HERE  
5 TODAY IF THAT PLEA IS ACCEPTED BY THE COURT, YOU WILL  
6 WAIVE OR GIVE UP CERTAIN RIGHTS THAT YOU WOULD OTHERWISE  
7 HAVE HAD AS A CRIMINAL DEFENDANT IN THIS CASE. I NEED TO  
8 ASK YOU A SERIES OF QUESTIONS TO MAKE SURE THAT YOU  
9 UNDERSTAND WHAT YOU ARE GIVING UP BY ENTERING THIS GUILTY  
10 PLEA HERE THIS MORNING.

11 FIRST OF ALL, MR. CONERLY, DO YOU UNDERSTAND  
12 THAT YOU HAVE A RIGHT TO PLEAD NOT GUILTY TO ANY OFFENSE  
13 CHARGED AGAINST YOU AND TO PERSIST IN THAT NOT GUILTY  
14 PLEA?

15 A. YES, SIR.

16 Q. DO YOU UNDERSTAND THAT YOU WOULD THEN HAVE THE RIGHT  
17 TO A TRIAL BY JURY?

18 A. YES, SIR.

19 Q. DO YOU UNDERSTAND THAT DURING THAT JURY TRIAL YOU  
20 WOULD HAVE THE RIGHT TO THE ASSISTANCE OF COUNSEL, THAT IS  
21 AN ATTORNEY FOR YOUR DEFENSE, AN ATTORNEY APPOINTED BY THE  
22 COURT AND PAID FOR BY THE GOVERNMENT IF YOU COULD NOT  
23 AFFORD TO HIRE YOUR OWN ATTORNEY?

24 A. YES, SIR.

25 Q. DO YOU UNDERSTAND THAT DURING THAT TRIAL YOU WOULD

1 HAVE A RIGHT TO SEE AND HEAR THE GOVERNMENT'S WITNESSES  
2 AGAINST YOU AND HAVE THOSE WITNESSES CROSS-EXAMINED BY  
3 YOUR ATTORNEY IN YOUR DEFENSE?

4 A. YES, SIR.

5 Q. DO YOU UNDERSTAND THAT YOU WOULD HAVE THE RIGHT ON  
6 YOUR OWN PART NOT TO TESTIFY AT TRIAL UNLESS YOU CHOSE TO  
7 DO SO IN YOUR OWN DEFENSE?

8 A. YES, SIR.

9 Q. DO YOU UNDERSTAND THAT YOU WOULD HAVE THE RIGHT TO  
10 THE ISSUANCE OF SUBPOENAS OR COURT ORDERS TO COMPEL THE  
11 ATTENDANCE OF WITNESSES, EVEN UNWILLING WITNESSES, TO  
12 APPEAR AT TRIAL AND TESTIFY ON YOUR BEHALF?

13 A. YES, SIR.

14 Q. NOW, VERY IMPORTANTLY, MR. CONERLY, DO YOU  
15 UNDERSTAND THAT BY ENTERING A PLEA OF GUILTY HERE TODAY,  
16 IF THAT PLEA IS ACCEPTED BY THE COURT, THERE WILL BE NO  
17 TRIAL IN YOUR CASE?

18 A. YES, SIR.

19 Q. AND DO YOU UNDERSTAND THAT BY ENTERING A PLEA OF  
20 GUILTY HERE TODAY, YOU WILL HAVE WAIVED OR GIVEN UP THE  
21 RIGHT TO A TRIAL OF ANY KIND, AS WELL AS ALL THESE OTHER  
22 RIGHTS ASSOCIATED WITH A TRIAL THAT I HAVE JUST DESCRIBED  
23 TO YOU?

24 A. YES, SIR.

25 Q. DO YOU UNDERSTAND THAT YOU WILL ALSO BE GIVING UP

1 THE RIGHT NOT TO BE COMPELLED TO INCRIMINATE YOURSELF IN  
2 THIS CASE?

3 A. YES, SIR.

4 Q. AND DO YOU UNDERSTAND THAT YOU WILL BE GIVING UP THE  
5 RIGHT TO REQUIRE THE UNITED STATES TO PROVE YOU GUILTY  
6 BEYOND A REASONABLE DOUBT?

7 A. YES, SIR.

8 Q. HAS ANY PERSON, INCLUDING AN OFFICER OR AGENT OF THE  
9 GOVERNMENT, PUT ANY PRESSURE ON YOU MENTALLY OR PHYSICALLY  
10 TO FORCE YOU TO PLEAD GUILTY IN THIS CASE? IN OTHER  
11 WORDS, MR. CONERLY, IS IT YOUR FREE AND VOLUNTARY DECISION  
12 TO PLEAD GUILTY IN THIS CASE?

13 A. I FELT SOMEWHAT INTIMIDATED UNDER THE CIRCUMSTANCES,  
14 BUT I FEEL THAT I'M MAKING THE BEST RASH DECISION THAT I  
15 CAN.

16 Q. ALL RIGHT. HAS YOUR DECISION BEEN FREE OF ANY KIND  
17 OF FORCE OR THREATS, EITHER MENTAL OR PHYSICAL, BY ANY  
18 OTHER PERSON?

19 A. NO, SIR.

20 Q. IT'S NOT. HAS SOMEBODY THREATENED YOU?

21 A. NO.

22 Q. HAS ANYBODY FORCED YOU TO ENTER THIS GUILTY PLEA?

23 A. NO, SIR.

24 Q. THEN, AGAIN, BASED ON ALL THOSE CIRCUMSTANCES, IS IT  
25 YOUR FREE AND VOLUNTARY DECISION TO ENTER THIS GUILTY

1 PLEA?

2 A. YES, SIR.

3 Q. NOW, MR. CONERLY, I AM AWARE THAT THE GOVERNMENT HAS  
4 MADE CERTAIN PROMISES TO YOU IN THIS PLEA AGREEMENT; BUT  
5 ASIDE FROM ANY PROMISE CONTAINED IN THE PLEA AGREEMENT HAS  
6 ANY OFFICER OR AGENT OF THE GOVERNMENT PROMISED YOU OR  
7 SUGGESTED TO YOU THAT YOU WILL RECEIVE A LIGHTER SENTENCE  
8 OR ANY OTHER FORM OF LENIENCY IF YOU PLEAD GUILTY?

9 A. NO, SIR.

10 Q. ONCE AGAIN, ASIDE FROM ANY PROMISES CONTAINED IN  
11 THIS PLEA AGREEMENT, HAVE ANY PROMISES OR THREATS OF ANY  
12 KIND BEEN MADE BY ANYONE TO INDUCE YOU TO PLEAD GUILTY IN  
13 THIS CASE?

14 A. NO, SIR.

15 Q. ALL RIGHT. I NOW STATE FOR THE RECORD THAT THE  
16 COURT WILL REVIEW THE PLEA AGREEMENT IN THIS CASE. I  
17 ADVISE BOTH COUNSEL AND THE DEFENDANT THAT I AM NOT  
18 REQUIRED TO ACCEPT THIS PLEA AGREEMENT AND THAT I WILL  
19 DEFER MY DECISION ON WHETHER OR NOT TO ACCEPT OR REJECT  
20 THE PLEA AGREEMENT UNTIL AFTER I HAVE RECEIVED A  
21 PRESENTENCE REPORT FROM THE UNITED STATES PROBATION  
22 OFFICE; HOWEVER, IF I DO REJECT THE PLEA AGREEMENT, YOU  
23 WILL BE SO ADVISED HERE IN OPEN COURT AND I WILL PERMIT  
24 YOU TO WITHDRAW YOUR GUILTY PLEA; DO YOU UNDERSTAND THAT?

25 A. YES, SIR.

1 Q. NOW, MR. CONERLY, BEFORE I CAN ACCEPT THIS GUILTY  
2 PLEA HERE TODAY, ONE OF THE THINGS I'M REQUIRED TO DO IS  
3 TO DETERMINE THAT THERE IS WHAT'S CALLED AN ADEQUATE  
4 FACTUAL BASIS FOR THE GUILTY PLEA. IN OTHER WORDS, I NEED  
5 TO DETERMINE THAT YOU HAVE ADMITTED SUFFICIENT FACTS FROM  
6 WHICH THE COURT CAN FIND BEYOND A REASONABLE DOUBT THAT  
7 YOU HAVE IN FACT COMMITTED THIS OFFENSE.

8 NOW, IT APPEARS THAT YOU HAVE ENTERED INTO A  
9 STIPULATION OR AN AGREEMENT AS TO CERTAIN FACTS, AND THAT  
10 STIPULATION IS CONTAINED IN YOUR PLEA AGREEMENT AT  
11 PARAGRAPH 3. MR. CONERLY, YOU'VE ALREADY TOLD ME YOU'VE  
12 READ THIS ENTIRE PLEA AGREEMENT, BUT DID YOU READ  
13 PARAGRAPH 3 CONTAINING THIS STIPULATION OF FACTS VERY  
14 CAREFULLY?

15 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
16 HIS ATTORNEY)

17 A. YES, SIR.

18 Q. DID YOU REVIEW THIS STIPULATION OF FACTS CAREFULLY  
19 WITH YOUR ATTORNEY?

20 A. YES.

21 Q. DO YOU AGREE WITH THE SUMMARY OF WHAT YOU DID IN  
22 THIS CASE THAT'S SET OUT IN PARAGRAPH 3 OF YOUR PLEA  
23 AGREEMENT?

24 A. YES, SIR.

25 Q. ARE ALL OF THE FACTS CONTAINED IN PARAGRAPH 3 OF

1 THIS PLEA AGREEMENT TRUE?

2 A. YES, SIR.

3 Q. AND DO YOU STIPULATE HERE THIS MORNING UNDER OATH  
4 THAT THE FACTS CONTAINED IN PARAGRAPH 3 OF THIS PLEA  
5 AGREEMENT ARE TRUE AND CORRECT?

6 A. YES, SIR.

7 Q. MR. CONERLY, I ALSO NOTE HERE FROM THE PLEA  
8 AGREEMENT THAT YOU HAVE AGREED WITH THE UNITED STATES THAT  
9 THESE STIPULATED FACTS DO NOT NECESSARILY CONSTITUTE ALL  
10 OF THE FACTS IN THIS CASE; DO YOU UNDERSTAND THAT?

11 A. YES.

12 Q. FOR INSTANCE, THIS PLEA AGREEMENT DOES NOT PROVIDE  
13 THE COURT WITH ANY OF THE DETAILS OF THESE, THESE EVENTS;  
14 DO YOU UNDERSTAND THAT?

15 A. YES, SIR.

16 Q. DO YOU UNDERSTAND THAT THERE MAY BE OTHER FACTS  
17 RELEVANT TO SENTENCING WHICH THE COURT WILL CONSIDER AT  
18 THE TIME OF YOUR SENTENCING IN THIS CASE?

19 A. YES, SIR.

20 Q. IN OTHER WORDS, MR. CONERLY, DO YOU UNDERSTAND THAT  
21 WHEN THE TIME COMES FOR THE COURT TO DECIDE ON AN  
22 APPROPRIATE SENTENCE IN THIS CASE, I MAY CONSIDER THESE  
23 OTHER FACTS THAT ARE NOT STATED HERE IN DETERMINING THE  
24 SENTENCE TO BE IMPOSED?

25 A. YES, SIR.



1 Q. ALL RIGHT, MR. CONERLY, HOW DO YOU PLEAD THEN AS TO  
2 COUNT ONE OF THIS INDICTMENT, WHICH CHARGES YOU WITH USING  
3 A FACILITY OR MEANS OF INTERSTATE COMMERCE TO KNOWINGLY  
4 PERSUADE, INDUCE, ENTICE, OR COERCE AN INDIVIDUAL WHO HAS  
5 NOT ATTAINED THE AGE OF 18 TO ENGAGE IN SEXUAL ACTIVITY  
6 FOR WHICH ANY PERSON CAN BE CHARGED WITH AN OFFENSE OR  
7 KNOWING -- OR A KNOWING ATTEMPT TO DO THE SAME, IN  
8 VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 22,  
9 EXCUSE ME, 2422(B), DO YOU PLEAD GUILTY OR NOT GUILTY?

10 A. GUILTY, YOUR HONOR.

11 Q. DO YOU UNDERSTAND WHAT IT IS YOU'RE PLEADING GUILTY  
12 TO?

13 A. YES, SIR, YOUR HONOR.

14 Q. AND, VERY IMPORTANTLY, MR. CONERLY, ARE YOU OFFERING  
15 TO PLEAD GUILTY BECAUSE YOU ARE IN FACT GUILTY?

16 A. YES, SIR.

17 THE COURT: MS. SMITH, WILL THE GOVERNMENT  
18 PLEASE ADVISE THE DEFENDANT AS TO THE MAXIMUM POSSIBLE  
19 PENALTY PROVIDED BY THE LAW FOR THIS OFFENSE, AS WELL AS  
20 ANY MANDATORY MINIMUM SENTENCE HE FACES?

21 MS. SMITH: CERTAINLY, YOUR HONOR.

22 THE MAXIMUM PENALTY TO WHICH THE DEFENDANT WILL  
23 BE EXPOSED BY VIRTUE OF HIS GUILTY PLEA IS A MINIMUM  
24 MANDATORY TERM OF IMPRISONMENT OF 10 YEARS AND A MAXIMUM  
25 TERM OF IMPRISONMENT OF LIFE, FINE OF \$500,000, A TERM OF

1 SUPERVISED RELEASE OF UP TO LIFE AND A MANDATORY  
2 ASSESSMENT OF \$100.

3 THE COURT: THANK YOU, MS. SMITH.

4 BY THE COURT:

5 Q. MR. CONERLY, FIRST OF ALL, DO YOU UNDERSTAND THAT  
6 THAT IS THE MAXIMUM SENTENCE THE COURT CAN IMPOSE IN THIS  
7 CASE?

8 A. YES, SIR.

9 Q. AND, VERY IMPORTANTLY, DO YOU UNDERSTAND THAT  
10 FEDERAL LAW REQUIRES THE COURT TO IMPOSE AT LEAST A 10  
11 YEAR MANDATORY MINIMUM TERM OF IMPRISONMENT IN THIS  
12 CASE?

13 A. YES, SIR.

14 Q. DO YOU UNDERSTAND THAT ABSENT A GOVERNMENT MOTION  
15 FOR DOWNWARD DEPARTURE OR SOME OTHER EXTRAORDINARY  
16 CIRCUMSTANCE IN THIS CASE, THIS COURT WILL NOT HAVE ANY  
17 DISCRETION TO IMPOSE ANY SENTENCE LESS THAN THAT 10 YEAR  
18 MANDATORY MINIMUM?

19 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
20 HIS ATTORNEY)

21 A. YES, SIR.

22 Q. DO YOU ALSO UNDERSTAND, MR. CONERLY, THAT FEDERAL  
23 LAW AUTHORIZES THE COURT TO PLACE YOU ON SUPERVISED  
24 RELEASE, THAT IS UNDER THE SUPERVISION OF A PROBATION  
25 OFFICER EMPLOYED BY THIS COURT, FOR LIFE, THAT IS FOR THE

1       REMAINDER OF YOUR LIFE AFTER YOU HAVE SERVED THE NECESSARY  
2       TERM OF IMPRISONMENT?

3       A.       YES, SIR.

4       Q.       DO YOU ALSO UNDERSTAND THAT IN APPROPRIATE CASES THE  
5       COURT MUST ORDER RESTITUTION AND THAT CERTAIN OF YOUR  
6       PROPERTY COULD BE SUBJECT TO FORFEITURE BECAUSE OF YOUR  
7       GUILTY PLEA?

8       A.       YES, SIR.

9       Q.       IF YOUR PLEA IS ACCEPTED, YOU WILL BE ADJUDGED  
10      GUILTY OF A FELONY. THIS WILL CAUSE YOU TO LOSE CERTAIN  
11      VALUABLE CIVIL RIGHTS; SUCH AS, THE RIGHT TO VOTE, THE  
12      RIGHT TO HOLD PUBLIC OFFICE, THE RIGHT TO SERVE ON A JURY  
13      AND THE RIGHT TO POSSESS ANY KIND OF FIREARMS. KNOWING  
14      THOSE ADDITIONAL PENALTIES, DO YOU STILL WANT TO PLEAD  
15      GUILTY HERE TODAY?

16      A.       YES, SIR.

17               THE COURT: MS. SMITH, HAS THE DEFENDANT WAIVED  
18      ANY APPEAL RIGHTS OR RIGHTS TO FILE A SECTION 2255 MOTION  
19      IN THIS PLEA AGREEMENT?

20               MS. SMITH: YES, HE HAS, YOUR HONOR.

21               PURSUANT TO PARAGRAPH 9 OF THE PLEA AGREEMENT,  
22      IN CONSIDERATION OF THE CONCESSIONS MADE BY THE UNITED  
23      STATES IN THIS AGREEMENT, AND AS A FURTHER DEMONSTRATION  
24      OF THE DEFENDANT'S ACCEPTANCE OF RESPONSIBILITY FOR THE  
25      OFFENSE COMMITTED, MR. CONERLY AGREES NOT TO FILE A DIRECT

1 APPEAL OF HIS CONVICTION OR SENTENCE, EXCEPT HE HAS  
2 RETAINED THE RIGHT TO APPEAL A SENTENCE IMPOSED ABOVE THE  
3 SENTENCING GUIDELINE RANGE OR ANY APPLICABLE MANDATORY  
4 MINIMUM SENTENCE, WHICHEVER IS GREATER, AS DETERMINED BY  
5 THE DISTRICT COURT.

6 IN ADDITION, MR. CONERLY KNOWINGLY AND  
7 VOLUNTARILY WAIVES THE RIGHT TO FILE ANY MOTIONS OR  
8 PLEADINGS PURSUANT TO 28 U.S. CODE SECTION 2255, OR TO  
9 COLLATERALLY ATTACK HIS CONVICTION AND/OR RESULTING  
10 SENTENCE.

11 THE PARTIES AGREE THAT MR. CONERLY RETAINS THE  
12 RIGHT TO RAISE BY WAY OF COLLATERAL REVIEW UNDER SECTION  
13 2255 CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL OR  
14 PROSECUTORIAL MISCONDUCT WHICH ARE NOT KNOWN TO THE  
15 DEFENDANT BY THE TIME OF THE ENTRY OF JUDGMENT.

16 THE COURT: THANK YOU, MS. SMITH.  
17 BY THE COURT:

18 Q. MR. CONERLY, DO YOU UNDERSTAND THAT UNDER YOUR PLEA  
19 AGREEMENT WITH THE GOVERNMENT YOU HAVE EXPRESSLY WAIVED  
20 RIGHTS TO APPEAL OR TO COLLATERALLY ATTACK YOUR  
21 SENTENCE -- YOUR CONVICTION OR THE RESULTING SENTENCE IN  
22 THIS CASE AS JUST STATED BY THE UNITED STATES ATTORNEY AND  
23 AS SET OUT IN PARAGRAPH 9 OF YOUR PLEA AGREEMENT?

24 (OFF-THE-RECORD DISCUSSION BETWEEN THE DEFENDANT AND  
25 HIS ATTORNEY)

1 A. YES, SIR.

2 Q. AND DID YOU REVIEW THESE WAIVERS OF YOUR RIGHTS TO  
3 APPEAL OR TO COLLATERALLY ATTACK YOUR CONVICTION OR  
4 SENTENCE WITH YOUR ATTORNEY?

5 A. YES, SIR.

6 Q. HAVE YOU AND YOUR ATTORNEY FULLY DISCUSSED THESE  
7 WAIVERS OF YOUR RIGHTS TO APPEAL AND YOUR RIGHT TO  
8 COLLATERALLY ATTACK YOUR CONVICTION OR THE RESULTING  
9 SENTENCE? IN OTHER WORDS, HAS SHE ANSWERED ALL OF YOUR  
10 QUESTIONS ABOUT THESE WAIVERS?

11 A. YES, SIR.

12 Q. AND DO YOU FULLY UNDERSTAND THE WAIVER PROVISION OF  
13 THIS PLEA AGREEMENT?

14 A. YES, SIR.

15 Q. MR. CONERLY, UNDER THE SENTENCING REFORM ACT OF  
16 1984, THE UNITED STATES SENTENCING COMMISSION HAS ISSUED  
17 SENTENCING GUIDELINES FOR JUDGES TO CONSIDER IN DETERMIN-  
18 ING SENTENCES IN CRIMINAL CASES. THE USE OF THESE  
19 SENTENCING GUIDELINES IS NO LONGER MANDATORY, THEY ARE  
20 ADVISORY SENTENCING GUIDELINES ONLY; HOWEVER, YOUR  
21 ADVISORY GUIDELINE SENTENCING RANGE IS ONE OF THE FACTORS  
22 THE COURT MUST CONSIDER IN DETERMINING AN APPROPRIATE  
23 SENTENCE IN YOUR CASE. HAVE YOU AND YOUR ATTORNEY TALKED  
24 ABOUT HOW THESE ADVISORY GUIDELINES MIGHT APPLY TO YOUR  
25 CASE?

1 A. A LITTLE BIT, YES.

2 THE COURT: MS. PIERCE, WILL YOU TELL ME WHAT  
3 DISCUSSION YOU'VE HAD WITH MR. CONERLY IN THAT RESPECT?

4 MS. PIERCE: YES, YOUR HONOR. I HAVE REVIEWED  
5 WITH HIM AND EXPLAINED TO HIM THAT OUR ESTIMATION IS THAT  
6 THE GUIDELINES MAY FALL, AND I THINK VERY LIKELY WILL  
7 FALL, BELOW THE 10 YEAR MANDATORY MINIMUM. SO I THINK  
8 THAT'S WHAT HE'S REFERENCING IS THAT THIS CASE IS ONE  
9 WHERE THE STATUTORY MANDATORY MINIMUM WILL LIKELY TRUMP  
10 THE GUIDELINES, AND, THEREFORE, THE 10 YEAR MANDATORY  
11 MINIMUM IS WHAT WILL, I THINK, APPLY.

12 THE COURT: ALL RIGHT. THANK YOU.

13 BY THE COURT:

14 Q. NOW, IS THAT CORRECT, MR. CONERLY?

15 A. YES, SIR.

16 Q. NOW, AS WE WILL TALK HERE IN JUST A MINUTE, THERE  
17 ARE A WHOLE HOST OF FACTORS THAT GO INTO CALCULATING YOUR  
18 ADVISORY GUIDELINE RANGE. WHAT MS. PIERCE HAS TOLD ME IS  
19 THAT BASED ON HER REVIEW OF THIS CASE, BASED ON HER  
20 ESTIMATES IN THE CASE, IT APPEARS THAT YOUR ADVISORY  
21 GUIDELINE RANGE WILL BE BELOW THE 10 YEAR MANDATORY  
22 MINIMUM SENTENCE. NOW, I DON'T KNOW WHETHER THAT'S  
23 CORRECT OR NOT, I WON'T BE ABLE TO DETERMINE THAT UNTIL  
24 AFTER I GET A PRESENTENCE REPORT.

25 DO YOU UNDERSTAND THAT IF YOUR GUIDELINE RANGE

1 IN FACT IS BELOW THE STATUTORY MANDATORY MINIMUM OF 10  
2 YEARS, THEN 10 YEARS BECOMES YOUR GUIDELINE RANGE?

3 A. YES, SIR.

4 Q. AND AS I JUST SAID, DO YOU UNDERSTAND THAT THE COURT  
5 CAN'T DETERMINE THE ADVISORY GUIDELINE RANGE WHICH APPLIES  
6 TO YOUR CASE UNTIL AFTER A PRESENTENCE REPORT IS COMPLETED  
7 BY THE UNITED STATES PROBATION OFFICE?

8 A. YES, SIR.

9 Q. DO YOU UNDERSTAND THAT AFTER THAT REPORT IS COM-  
10 PLETED, IT WILL BE DISCLOSED TO YOU AND TO THE GOVERNMENT  
11 AND YOU WILL HAVE THE OPPORTUNITY TO OBJECT TO ANY OF THE  
12 MATTERS OR ANY OF THE MATERIALS SET OUT IN THE PRESENTENCE  
13 REPORT?

14 A. YES, SIR.

15 Q. AND DO YOU UNDERSTAND THAT BECAUSE THE COURT CANNOT  
16 AT THIS TIME DETERMINE THE ADVISORY GUIDELINE RANGE WHICH  
17 APPLIES TO YOUR CASE, THE COURT ALSO CANNOT DETERMINE THE  
18 APPROPRIATE SENTENCE TO BE ENTERED IN THE CASE?

19 A. YES, SIR.

20 Q. NOW, MR. CONERLY, IN ADDITION TO CONSIDERING YOUR  
21 ADVISORY GUIDELINE RANGE, THERE ARE A NUMBER OF OTHER  
22 FACTORS THE COURT IS REQUIRED TO CONSIDER BEFORE DECIDING  
23 ON AN APPROPRIATE SENTENCE IN THE CASE. THESE OTHER  
24 FACTORS ARE LISTED AT TITLE 18, UNITED STATES CODE,  
25 SECTION 3553(A), AND THEY INCLUDE: THE NATURE AND CIRCUM-

1 STANCES OF THE OFFENSE; YOUR HISTORY AND CHARACTERISTICS;  
2 THE NEED FOR THE SENTENCE IMPOSED TO REFLECT THE SERIOUS-  
3 NESS OF THE OFFENSE; TO PROMOTE RESPECT FOR THE LAW; TO  
4 PROVIDE JUST PUNISHMENT FOR THE OFFENSE; TO AFFORD  
5 ADEQUATE DETERRENCE TO CRIMINAL CONDUCT; TO PROTECT THE  
6 PUBLIC FROM FURTHER CRIMES THAT YOU MIGHT COMMIT; TO  
7 PROVIDE YOU WITH ANY NEEDED EDUCATIONAL OR VOCATIONAL  
8 TRAINING, MEDICAL CARE OR OTHER CORRECTIONAL TREATMENT IN  
9 THE MOST EFFECTIVE MANNER; THE KINDS OF SENTENCES  
10 AVAILABLE; ANY PERTINENT POLICY STATEMENT ISSUED BY THE  
11 SENTENCING COMMISSION; THE NEED TO AVOID UNWARRANTED  
12 SENTENCE DISPARITIES AMONG DEFENDANTS WITH SIMILAR RECORDS  
13 WHO HAVE BEEN FOUND GUILTY OF SIMILAR CONDUCT; AND THE  
14 NEED, IF ANY, TO PROVIDE RESTITUTION TO ANY VICTIMS OF THE  
15 OFFENSE. DO YOU UNDERSTAND THAT THIS COURT WILL CONSIDER  
16 ALL OF THESE STATUTORY FACTORS ALONG WITH YOUR ADVISORY  
17 GUIDELINES RANGE BEFORE DECIDING ON AN APPROPRIATE  
18 SENTENCE IN YOUR CASE?

19 A. YES, SIR.

20 Q. DO YOU ALSO UNDERSTAND THAT THE COURT WILL CONSIDER  
21 ANY OTHER INFORMATION RELEVANT TO SENTENCING WHICH IS  
22 CALLED TO THE COURT'S ATTENTION BY EITHER YOUR ATTORNEY OR  
23 BY THE UNITED STATES ATTORNEY BEFORE DECIDING ON AN  
24 APPROPRIATE SENTENCE?

25 A. YES, SIR.



1 Q. MR. CONERLY, VERY IMPORTANTLY, DO YOU ALSO  
2 UNDERSTAND THAT EVEN AFTER IT'S BEEN DETERMINED WHAT  
3 ADVISORY GUIDELINE SENTENCING RANGE APPLIES TO YOUR CASE,  
4 THE COURT HAS THE AUTHORITY TO IMPOSE A SENTENCE THAT MAY  
5 BE MORE SEVERE THAN THE SENTENCE CALLED FOR IN THE  
6 ADVISORY GUIDELINES?

7 A. YES, SIR.

8 Q. IN OTHER WORDS, DO YOU UNDERSTAND THAT BECAUSE THE  
9 GUIDELINES ARE NOT MANDATORY THE COURT IS NOT REQUIRED TO  
10 SENTENCE WITHIN THAT GUIDELINE RANGE AND COULD POTENTIALLY  
11 IMPOSE A MUCH MORE SEVERE SENTENCE?

12 A. I HOPE YOU DON'T; BUT, YES, I DO UNDERSTAND.

13 Q. ALL RIGHT. I APPRECIATE THAT. TO SAY THAT A LITTLE  
14 BIT DIFFERENTLY TO YOU, MR. CONERLY, DO YOU UNDERSTAND  
15 THAT YOU COULD IN FACT BE SENTENCED AND THE COURT HAS THE  
16 AUTHORITY TO IMPOSE A SENTENCE OF LIFE IN THIS CASE?

17 A. YES, SIR.

18 Q. ALL RIGHT. UNDERSTANDING THAT THE COURT COULD  
19 IMPOSE THAT SENTENCE, DO YOU STILL WANT TO PLEAD GUILTY  
20 HERE TODAY?

21 A. YES, SIR.

22 Q. DO YOU ALSO UNDERSTAND THAT UNDER SOME CIRCUMSTANCES  
23 YOU, SUBJECT, OF COURSE, TO THESE WAIVERS YOU HAVE AGREED  
24 TO IN THIS PLEA AGREEMENT, OR THE GOVERNMENT MAY HAVE THE  
25 RIGHT TO APPEAL ANY SENTENCE THAT THE COURT DOES

1 ULTIMATELY IMPOSE?

2 A. YES, SIR.

3 THE COURT: NOW, MS. PIERCE, I THINK YOU HAVE  
4 ALREADY ANSWERED THIS QUESTION, BUT FOR THE RECORD HAVE  
5 YOU MADE ANY REPRESENTATION TO MR. CONERLY AS TO WHAT  
6 SENTENCE THE COURT MIGHT IMPOSE IN HIS CASE OTHER THAN TO  
7 GIVE HIM AN ESTIMATE AS TO HIS ADVISORY GUIDELINES RANGE  
8 AND TO DISCUSS WITH HIM THE 10 YEAR MANDATORY MINIMUM  
9 SENTENCE REQUIRED BY STATUTE?

10 MS. PIERCE: NO, YOUR HONOR.

11 ONE OTHER THING THAT I DIDN'T MENTION BEFORE IS  
12 CONSISTENT WITH MY PRACTICE I'VE GIVEN HIM A COPY OF THE  
13 GUIDELINES AND ALSO THE SENTENCING CHART AND EXPLAINED TO  
14 HIM HOW THAT WORKS. I DON'T, I DON'T THINK I MENTIONED  
15 THAT BEFORE.

16 THE COURT: THANK YOU.

17 BY THE COURT:

18 Q. NOW, MR. CONERLY, WE'VE ALREADY COVERED THIS A BIT,  
19 BUT WITH RESPECT TO ANY ESTIMATE THAT MS. PIERCE MAY HAVE  
20 GIVEN YOU AS TO YOUR ADVISORY GUIDELINES RANGE IN THIS  
21 CASE, DO YOU UNDERSTAND THAT THAT IS SIMPLY AT THIS POINT  
22 HER ESTIMATE OF THAT RANGE?

23 A. YES.

24 Q. AND DO YOU UNDERSTAND THAT THE COURT IS NOT BOUND BY  
25 YOUR ATTORNEY'S ESTIMATE AS TO YOUR ADVISORY GUIDELINES

1 RANGE IN THIS CASE?

2 A. YES, SIR.

3 THE COURT: ALL RIGHT. THE COURT HAS OBSERVED  
4 THE APPEARANCE OF MR. CONERLY AND HIS RESPONSIVENESS TO  
5 THE QUESTIONS ASKED. BASED UPON THESE OBSERVATIONS AND  
6 HIS ANSWERS TO THE COURT'S QUESTIONS, AS WELL AS THE  
7 MENTAL HEALTH EVALUATION, THE COMPETENCY REPORT AND THE  
8 SANITY REPORT PREVIOUSLY FILED BY THE FEDERAL BUREAU OF  
9 PRISONS, AND MAGISTRATE JUDGE INMAN'S ORDER ENTERED ON  
10 JULY 24, 2013 IN THE CASE, THE COURT FINDS THAT THE  
11 DEFENDANT IS IN FULL POSSESSION OF HIS FACULTIES AND HE IS  
12 COMPETENT TO PLEAD GUILTY; THAT HE IS NOT UNDER THE  
13 APPARENT INFLUENCE OF NARCOTICS, OTHER DRUGS OR ALCOHOL;  
14 THAT HE KNOWINGLY WAIVES HIS CONSTITUTIONAL RIGHTS TO  
15 TRIAL AND THE OTHER RIGHTS ACCORDED TO PERSONS ACCUSED OF  
16 A CRIME; THAT HE UNDERSTANDS THE NATURE OF THE CHARGE TO  
17 WHICH THE PLEA IS OFFERED AND THE MAXIMUM PENALTY PROVIDED  
18 BY LAW FOR THIS OFFENSE; AND THAT HE HAS OFFERED TO PLEAD  
19 GUILTY KNOWINGLY AND VOLUNTARILY.

20 ACCORDINGLY, MR. CONERLY, YOUR PLEA OF GUILTY  
21 WILL BE ACCEPTED, AND YOU ARE HEREBY ADJUDGED GUILTY OF  
22 COUNT ONE OF THIS INDICTMENT WHICH CHARGES YOU WITH USING  
23 A FACILITY OR MEANS OF INTERSTATE COMMERCE TO KNOWINGLY  
24 PERSUADE, INDUCE, ENTICE, OR COERCE AN INDIVIDUAL WHO HAS  
25 NOT ATTAINED THE AGE OF 18, TO ENGAGE IN SEXUAL ACTIVITY,

1 IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION  
2 2422(B).

3 COUNSEL, HOW IS APRIL 9 AT 1:30 FOR SENTENCING?

4 MS. PIERCE: THAT'S FINE.

5 THE COURT: ALL RIGHT. MR. CONERLY, I WILL  
6 SCHEDULE A SENTENCING HEARING IN YOUR CASE FOR APRIL 9,  
7 2014 AT 1:30 P.M. I WILL ORDER THE PREPARATION OF THE  
8 PRESENTENCE REPORT WE HAVE DISCUSSED. A PROBATION OFFICER  
9 WILL SEE YOU SHORTLY TO SCHEDULE AN INTERVIEW.

10 NOW, MR. CONERLY, IT APPEARS FROM THE RECORD IN  
11 THIS CASE THAT YOU HAVE PREVIOUSLY BEEN ORDERED DETAINED  
12 BY THE UNITED STATES MAGISTRATE JUDGE FOR REASONS SET OUT  
13 IN HIS DETENTION ORDER.

14 ALTHOUGH I DIDN'T RESEARCH IT, I SUSPECT THAT  
15 MR. CONERLY IS ALSO SUBJECT TO THE MANDATORY DETENTION  
16 PROVISIONS OF FEDERAL LAW?

17 MS. SMITH: YES, SIR. THAT'S TRUE, YOUR  
18 HONOR.

19 THE COURT: IN ANY EVENT, MR. CONERLY, FOR THE  
20 REASONS SET FORTH IN THE MAGISTRATE JUDGE'S ORDER AND THE  
21 SERIOUSNESS OF THE OFFENSE FOR WHICH YOU'VE BEEN FOUND  
22 GUILTY HERE, I WILL ORDER YOUR CONTINUED DETENTION IN THE  
23 CUSTODY OF THE UNITED STATES MARSHAL PENDING FURTHER  
24 PROCEEDINGS IN THE CASE, AND YOU WILL BE REMANDED TO THE  
25 MARSHAL'S CUSTODY.

1 THE DEFENDANT: OKAY.

2 THE COURT: THANK YOU ALL VERY MUCH.

3 MS. SMITH: THANK YOU, JUDGE.

4 THE COURT: ALL RIGHT.

5 THE DEFENDANT: MERRY CHRISTMAS.

6 THE COURT: SAME TO YOU.

7 (PROCEEDINGS ARE CONCLUDED AT 9:07 A.M.)

8 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM  
9 THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

10

11

12 KAREN J. BRADLEY/S  
SIGNATURE OF COURT REPORTER

05/07/18  
DATE

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